

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Charleston**

**ERIE INSURANCE PROPERTY AND
CASUALTY COMPANY,**

Plaintiff,

v.

**CIVIL ACTION NO.: 2:19-cv-00272
The Honorable Thomas E. Johnston**

**TOP DOWN DEVELOPMENT, LLC,
BYARD M. COLEMAN,
TIMOTHY VANDEBORNE,
ROGER WALKER, JON STEELE,
and ELIZABETH KEELEY STEELE,**

Defendants.

AGREED ORDER OF VOLUNTARY DISMISSAL

Plaintiff Erie Insurance Property and Casualty Company (“Erie”) and Defendants Top Down Development, LLC, Byard M. Coleman, Timothy Vandeborne, Roger Walker, Jon Steele, and Elizabeth Keeley Steele, by counsel, jointly move this Court, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, to voluntarily dismiss the above-styled civil action as the claims against the Defendants are moot.

The Court hereby **ORDERS** that the claims against the Defendants are dismissed from the docket of this Court. The Court further **ORDERS** that each party will bear its own costs and expenses.

The Clerk is directed to forward certified copies of this Order to all counsel of record.

ENTERED this _____ day of _____, 2020.

Judge Johnston

Parties and Counsel:

/s/ Skyler A. Matthews

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/s/ John Andrew Smith (w/ permission)

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